restriction was not required. Here the restriction requirement is clearly inappropriate because there would be no burden on the Examiner to consider all of the claims. That is, the Examiner previously issued an Office Action on July 3, 2001 in which all of claims 22-34 were searched and examined. In that same Office Action, the Examiner rejected all of claims 22-34 under 35 U.S.C. §101 as lacking patentable utility. A separate rejection of claim 34 was set forth, alleging that the claim did not comply with the written description requirement of 35 U.S.C. §112, first paragraph. A response to that Office Action was filed on November 5, 2001. It is inconceivable how the Examiner can now assert that it would be an "undue burden" to consider subject matter to which he has already given an in-depth examination. Accordingly, withdrawal of the restriction requirement is in order.

Moreover, all of the claims should be considered regardless of any restriction requirement. That is, claims 30-34 are "method of use" claims which depend from product claims 24 and 28. Therefore, upon allowance of claims 24 and 28, it is believed that claims 30-34 should be rejoined and considered, in accordance with the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)."

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,

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